



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue
Seattle, WA 98101

EI-928
UP

July 12, 2004

Reply To
Attn Of: ORC-158

Karl Morell
Ball Janik LLP
1455 F Street NW, Suite 225
Washington, D.C. 20005



Re: STB Docket No. AB-872 - Great Northwest Railroad Abandonment Petition

Dear Mr. Morell:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your letter dated June 8, 2004, regarding the petition of Great Northwest Railroad to abandon its 31-mile rail line in Clearwater County, Idaho. Your letter attached an Environmental Report prepared in support of the petition for abandonment. Included in this Report is a narrative response to EPA's questions posed in a letter to you dated April 5, 2004. EPA appreciates your responses to our previous questions. Based on your responses, the present letter provides further comment on the proposed abandonment.

The proposed abandonment of the Great Northwest Railroad line between Orofino and Jaype, Idaho, appears to involve clearing, grading and excavation activities disturbing more than one acre of land area adjacent to Orofino and Quartz Creeks. Such activities are likely to result in the discharge of pollutants in storm water runoff from the disturbed areas. Therefore, *contrary to the statement otherwise in the Environmental Report*, EPA believes that this proposed activity is subject to the permitting requirements described by the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the federal Clean Water Act.

In July 2003, EPA issued a general NPDES permit for storm water discharges from construction activities in Idaho, which is currently available for construction project operators in Idaho. A copy of this permit plus other informational materials have been enclosed with this letter. This information may also be found on-line at <http://www.epa.gov/npdes/stormwater/cgp>. The permit, commonly known as the Construction General Permit, requires the development and implementation of a project-specific Storm Water Pollution Prevention Plan. This plan must describe all appropriate erosion, sediment and construction waste Best Management Practices to be used during the active construction phase, including maintenance and self-inspection requirements, that will prevent the discharge of pollutants to waters of the United States via runoff from the construction sites. Upon development of the SWPPP, operators must submit a Notice of Intent to EPA prior to start of the construction, and submit a Notice of Termination to end permit coverage upon final stabilization of all disturbed areas. The permit also contains

requirements unique to linear projects such as this proposed abandonment. The Idaho Department of Environmental Quality has certified this permit under Section 401 of the Clean Water Act, and the permit contains several provisions as dictated by IDEQ.

If you or your staff have any questions for EPA about these requirements, please contact Misha Vakoc, Storm Water Program Coordinator, at (206) 553-6650 or vakoc.misha@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Clifford J. Villa".

Clifford J. Villa
Assistant Regional Counsel

Enclosures

cc (w/o enclosures): Surface Transportation Board